

UNITED STATES DISTRICT COURT  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ALASKA

# LOCAL RULES

SIDE-BY-SIDE COMPARISON  
PRIOR RULES — OCTOBER 1, 2002 RULES

BANKRUPTCY  
LOCAL (CIVIL)  
CRIMINAL

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## BANKRUPTCY RULES

PRIOR RULE	OCTOBER 1, 2002 REVISION
<p><b>Rule 1007-2 Form of Schedules and Statements</b></p> <p>(a) <b>Separate Documents</b> [Now Rule 1007-1(a) without substantive change.]</p> <p>(b) <b>Sequential Order of Documents</b> [Now Rule 1007-2(b) without substantive change.]</p>	<p><b>Rule 1007-2 Form of Schedules and Statements</b></p> <p>(a) <b>Separate Documents</b> [Prior Rule 1007-2(a) without substantive change.]</p> <p>(b) <b>Sequential Order of Documents.</b> [Prior Rule 1007-2(b) without substantive change.]</p> <p>(c) <b>Describing Property on Schedule A.</b> Each individual parcel of real property must be shown on Schedule A (Real Property) and, to the extent applicable, contain the following information:</p> <ol style="list-style-type: none"> <li>(1) A complete legal description followed by its physical location (<i>e.g.</i>, common or street address);</li> <li>(2) description of all improvements on the property;</li> <li>(3) municipal or borough tax assessment <ol style="list-style-type: none"> <li>[A] identification number, and</li> <li>[B] valuation;</li> </ol> </li> <li>(4) information from any appraisal of the property performed within the two (2) years preceding the petition filing date, including— <ol style="list-style-type: none"> <li>[A] value,</li> <li>[B] identification of appraiser, and</li> <li>[C] purpose of appraisal; and</li> </ol> </li> <li>(5) Any unusual or extraordinary items of condition that materially affect value or marketability of the property.</li> </ol> <p>(d) <b>Describing Property on Schedule B.</b> Descriptions of property listed on Schedule B (Personal Property) must, to the extent applicable, comply with the requirements of this subsection.</p> <ol style="list-style-type: none"> <li>(1) <i>General.</i> <ol style="list-style-type: none"> <li>[A] All items of personal property must contain: <ol style="list-style-type: none"> <li>(i) sufficient identifying information to permit any interested party to readily identify the item upon sight and independently assess its value, including information concerning the item's condition, suitability for its intended use, or marketability; and</li> <li>(ii) its value or amount as of the date the petition is filed.</li> </ol> </li> </ol> </li> </ol>

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	<p>[B] For any item of property that is not in the physical possession of the debtor, its location and the name and address of the custodian must be provided.</p> <p>(2) <i>Aggregating Items.</i> Except as otherwise specifically provided in paragraphs (d)(3), (d)(4), (d)(9), (d)(11), (d)(12), (d)(13), (d)(15), (d)(17), (d)(18), (d)(19), (d)(20), and (d)(21), items of the same general character having a value of less than \$450.00 per individual item and an aggregate value of \$2,500.00, or less, should be generally identified and included as a single entry.</p> <p>[A] The values of the individual items within the group need not be shown;</p> <p>[B] the value to be inserted in the “value” column is the aggregate value of all items within the group; and</p> <p>[C] aggregating items constitutes a certification that no individual item within the group has a value in excess of \$450.00.</p> <p>(3) <i>Bank or Financial Accounts.</i> For each account held by a financial institution, provide:</p> <p>[A] account number;</p> <p>[B] type of account; and</p> <p>[C] name, branch, and address of financial institution.</p> <p>(4) <i>IRAs, Pension and Profit Sharing Plans.</i> For each separate account or plan, provide:</p> <p>[A] type of account or plan;</p> <p>[B] plan, account, or other identifying number; and</p> <p>[C] name and address of institution holding or trustee administering the account or plan.</p> <p>(5) <i>Major Appliances.</i> Major appliances, <i>e.g.</i>, washer, dryer, freezer, refrigerator, if not a fixture, should be identified by:</p> <p>[A] make,</p> <p>[B] model,</p> <p>[C] size, and</p> <p>[D] if known, the year of manufacture.</p> <p>identification or serial number.</p>

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	<p>(6) <i>Automobiles</i>. All motor vehicles, including off-road, recreational, all-terrain, and snow machines, must be separately itemized, and include:</p> <ul style="list-style-type: none"> <li>[A] make (manufacturer);</li> <li>[B] year of manufacture;</li> <li>[C] model;</li> <li>[D] type;</li> <li>[E] if 4-wheel or all-wheel drive; and</li> <li>[F] current license, registration, vehicle identification or serial number.</li> </ul> <p>(7) <i>Animals/Pets</i>.</p> <ul style="list-style-type: none"> <li>[A] breed;</li> <li>[B] age; and</li> <li>[C] if show or registered animal provide relevant information.</li> </ul> <p>(8) <i>Furniture</i>. Each article, item or set of furniture should include where applicable:</p> <ul style="list-style-type: none"> <li>[A] manufacturer or brand name;</li> <li>[B] year of manufacture or age;</li> <li>[C] size;</li> <li>[D] if a set, what it consists of; and</li> <li>[E] if more than one identical item, the number of items.</li> </ul> <p>(9) <i>Firearms</i>. Each firearm must be separately itemized and include:</p> <ul style="list-style-type: none"> <li>[A] manufacturer;</li> <li>[B] model;</li> <li>[C] caliber; and</li> <li>[D] year of manufacture.</li> </ul> <p>(10) <i>Cameras/Hobby Equipment</i>. Cameras and other hobby equipment should include:</p> <ul style="list-style-type: none"> <li>[A] manufacturer; and</li> <li>[B] model.</li> </ul> <p>(11) <i>Musical Instruments</i>. Musical instruments should be separately itemized and include:</p> <ul style="list-style-type: none"> <li>[A] type;</li> <li>[B] manufacturer; and</li> <li>[C] model.</li> </ul>

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	<p>(12) <i>Clothing</i>.  [A] Subject to paragraph (d)(2), ordinary clothing items should be scheduled by a generic name and quantity of each item grouped by category (<i>e.g.</i>, men’s clothes, women’s clothes).  [B] Furs should be separately itemized.</p> <p>(13) <i>Jewelry</i>. Jewelry, other than costume jewelry, must be separately itemized and include:  [A] number and size/weight of precious stones;  [B] material of the setting; and  [C] the source of valuation.</p> <p>(14) <i>Household Items</i>. Subject to paragraph (d)(2), ordinary household items, <i>e.g.</i>, small appliances, cookware, serving ware, dishware, and silverware, should be scheduled by generic name and quantity and grouped as a single entry.</p> <p>(15) <i>Books/Pictures/Records/Knick-Knacks</i>.  [A] Subject to paragraph (d)(2), the following items should be generally grouped and described by class and quantity:  (i) books, other than collector’s editions;  (ii) CDs, tapes, and records;  (iii) pictures or artwork of a general “decor” nature; and  (iv) knick-knacks and similar items of decor.  [B] Antiques (items over 100 years old) must be separately itemized and include:  (i) detailed description,  (ii) age, and  (iii) source of valuation.  [C] Collections and other collectibles, including “collector editions” of books, must be separately itemized and include:  (i) detailed description; and  (ii) source of valuation.</p>

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	<p>[D] “Collector prints” must be separately itemized and include:</p> <ul style="list-style-type: none"> <li>(i) title;</li> <li>(ii) name of artist;</li> <li>(iii) number of print and number in series; and</li> <li>(iv) source of valuation.</li> </ul> <p>(16) <i>Electronics/Computers</i>. Electronic items, including entertainment equipment and computers, should include:</p> <ul style="list-style-type: none"> <li>[A] manufacturer or brand name;</li> <li>[B] model number; and</li> <li>[C] year of manufacture.</li> </ul> <p>(17) <i>Insurance policies</i>: To the extent applicable, for each insurance policy in which the debtor has an ownership interest, provide:</p> <ul style="list-style-type: none"> <li>[A] Name and address of issuer;</li> <li>[B] policy number;</li> <li>[C] face amount;</li> <li>[D] cash surrender value;</li> <li>[E] loan value; and</li> <li>[F] current balance of any loan made against the policy.</li> </ul> <p>(18) <i>Stocks, Bonds, Annuities, Negotiable Instruments</i>. Stocks, bonds, annuities, securities, negotiable or non-negotiable instruments, and similar investment instruments, must be separately itemized and for each include to the extent applicable the:</p> <ul style="list-style-type: none"> <li>[A] name and address of issuer;</li> <li>[B] class;</li> <li>[C] identification number;</li> <li>[D] face amount or number of shares;</li> <li>[E] interest rate, rate of investment return or discount rate; and</li> <li>[F] maturity date.</li> </ul>

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	<p>(19) <i>Partnership Interests and Interests in Limited Liability Companies and Unincorporated Associations.</i> Interests in partnerships, limited liability companies, investment clubs, unincorporated associations and similar entities, must be separately itemized and include:</p> <ul style="list-style-type: none"> <li>[A] name of entity;</li> <li>[B] type of entity;</li> <li>[C] debtor's ownership interest in entity; and</li> <li>[D] name and address of person having custody of the books and records of the entity.</li> </ul> <p>(20) <i>Receivables and Debts Owed to Debtor.</i> Accounts receivable, promissory notes, and other debts owed to the debtor, must be separately itemized and include:</p> <ul style="list-style-type: none"> <li>[A] name and address of obligor;</li> <li>[B] face or original amount;</li> <li>[C] date incurred;</li> <li>[D] amount owed;</li> <li>[E] interest rate or rate of return;</li> <li>[F] repayment terms; and</li> <li>[E] whether the obligor is current or delinquent.</li> </ul> <p>(21) <i>Licenses, franchises.</i> Licenses, franchises, and similar rights held by the debtor, must be separately itemized and include:</p> <ul style="list-style-type: none"> <li>[A] name and address of licensor/licensee or franchiser/franchisee;</li> <li>[B] brief description of license or franchise;</li> <li>[C] date issued; and</li> <li>[D] whether payments due are current or delinquent.</li> </ul>

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	<p>(22) <i>Aircraft</i>. For each aircraft, provide:</p> <ul style="list-style-type: none"> <li>[A] manufacturer;</li> <li>[B] year of manufacture;</li> <li>[C] model number;</li> <li>[D] power plant type and horsepower;</li> <li>[E] make and model of all installed avionics;</li> <li>[F] if equipped with floats, the— <ul style="list-style-type: none"> <li>(i) manufacturer,</li> <li>(ii) model; and</li> <li>(iii) year of manufacture or model year;</li> </ul> </li> <li>[G] Federal Aviation Administration hull number; and</li> <li>[H] source of valuation information.</li> </ul> <p>(23) <i>Boats</i>. For each vessel, personal water craft, boat, canoe, or similar water-borne vehicle, to the extent applicable, include:</p> <ul style="list-style-type: none"> <li>[A] year of manufacture;</li> <li>[B] make (manufacturer);</li> <li>[C] serial or other manufacturers identifying number;</li> <li>[D] length, beam and, if applicable, displacement;</li> <li>[E] model and/or type;</li> <li>[F] description of power plant;</li> <li>[G] make and model of all installed or associated electronics (navigation and communications);</li> <li>[H] gear, tackle, rigging, and other appurtenances installed or associated with the vessel;</li> <li>[I] state or federal registration number; and</li> <li>[J] source of valuation information.</li> </ul> <p>(24) <i>Tools</i>.</p> <ul style="list-style-type: none"> <li>[A] Subject to paragraph (d)(2), hand tools, including small, hand-held power tools, should be aggregated as single entry.</li> <li>[B] Large tools should include, to the extent applicable, the information specified in paragraph (d)(25).</li> </ul>



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<p>(c) <b>Exemptions</b> When the debtor claims property exempt, the debtor shall itemize separately on Schedule C—Property Claimed as Exempt each item, stating the size, brand, identifying numbers, value claimed exempt, and location of each item. The foregoing shall not apply to items of similar kind at the same location with an aggregate value of less than \$400. Such items may be aggregated on the Schedule of Property Claimed as Exempt. The schedule of exemptions shall not incorporate by reference any other schedule, statement, or list.</p> <p>(d) <b>Business Inventory and Equipment</b> When business inventory and equipment is scheduled, the debtor shall list after the general description:</p> <p>(1) a complete itemization of the inventory and equipment scheduled, including brand, identifying numbers and licenses;</p> <p>(2) the location of each item;</p> <p>(3) the name and address of the custodian of each item.</p>	<p>(25) <i>Business &amp; Farming Equipment and Implements</i>. Each item must, to the extent applicable, include:</p> <p>[A] make, manufacturer, or brand;</p> <p>[B] model number or type;</p> <p>[C] license, registration, serial or other identifying number; and</p> <p>[D] source of valuation.</p> <p>(e) <b>Describing Property on Schedule C</b>.</p> <p>(1) The description provided for property items listed on Schedule C (Property Claimed as Exempt) must be identical to the description used to describe that item on Schedule A in the case of real property or Schedule B in the case of personal property.</p> <p>(2) The schedule of exemptions must not incorporate by reference any other schedule, statement, or list.</p> <p>(f) <b>Income and Expenses on Schedules I and J</b>. Items of income (Schedule I) and expenses (Schedule J) must be reported using the following guidelines.</p> <p>(1) <i>Income</i>.</p> <p>[A] Gross income from wages or salary per month is the average income per month for the six-month period, or such shorter period if received for less than six (6) months, immediately preceding the date the petition is filed.</p> <p>[B] Payroll deductions for taxes are to be determined using the applicable amounts specified by Internal Revenue Service Circular E using the appropriate number of exemptions that may be properly claimed by the debtor.</p> <p>[C] Other income received on a recurring basis during the year, if received other than on a monthly basis, <i>e.g.</i>, Alaska Permanent Fund or stock dividends (including dividends received from Alaska Native Corporations), is to be prorated as though received in equal monthly installments.</p>

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<p>(e) <b>Married Individuals.</b> [Now Rule 1007-2(g) without substantive change.]</p> <p>(f) <b>No Blank Items.</b> [Now Rule 1007-2(h) without substantive change.]</p>	<p>(2) <i>Expenses.</i></p> <p>[A] Variable regular monthly expenses, <i>e.g.</i>, utilities, are to be computed as an average over a period of one year (twelve (12) months).</p> <p>[B] Expenses paid on a regular basis other than monthly, <i>e.g.</i>, insurance or estimated income taxes, are to be pro-rated as though paid in equal monthly installments.</p> <p>[C] Unusual, extraordinary, one-time expenses that are not reasonably expected to recur, <i>e.g.</i>, medical expenses resulting from an accident, are not to be included.</p> <p>(g) <b>Married Individuals.</b> [Prior Rule 1007-2(e) without substantive change.]</p> <p>(h) <b>No Blank Items.</b> [Prior Rule 1007-2(f) without substantive change.]</p>
<p>[No Prior Rule]</p>	<p><b>Rule 1017-1 Conversion of Cases</b></p> <p>(a) <b>Conversion Under 11 U.S.C. § 706(a).</b> A motion by the debtor under § 706(a) of the Code to convert the case from a case under chapter 7 of the Code to a case under chapter 11, 12, or 13 of the Code is governed by AK LBR 9013-2(a), and must be:</p> <ol style="list-style-type: none"> <li>(1) transmitted to the United States trustee; and</li> <li>(2) served on the trustee.</li> </ol> <p>(b) <b>Conversion under 11 U.S.C. § 1112(a).</b> A motion by the debtor under § 1112(a) of the Code to convert the case from a case under chapter 11 of the Code to a case under Chapter 7 of the Code is governed by AK LBR 9013-2(a), and must be:</p> <ol style="list-style-type: none"> <li>(1) transmitted to the United States trustee; and</li> <li>(2) served on—</li> </ol> <p style="padding-left: 40px;">[A] any committee appointed in the case, and</p> <p style="padding-left: 40px;">[B] the holders of secured claims.</p>

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<p><b>Rule 3015-1 Chapter 13 Plans</b></p> <p><b>(a) Format/Contents</b></p> <p>(1) (A) Unless otherwise ordered by the court, the chapter 13 plan shall conform to AK LBF 5 and shall contain the plan analysis and liquidation analysis attached to AK LBF 5.</p> <p>(B) Paragraph (2)(e) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1322-(b)(1) of the Code.</p> <p>(2) Any party may file a motion to convert or dismiss if the plan or an extension of time to file a plan is not filed within the fifteen (15) days required by statute.</p> <p>(3) A copy of the plan shall be served by the debtor on all creditors, and the trustee, providing at least twenty-five (25) days notice of the hearing on confirmation of the plan. Contents of the notice shall be consistent with AK LBF 6.</p> <p>(4) Lien avoidance under § 522(f) of the Code may not be accomplished through a chapter 13 plan. It is governed by Rule 9014, Rules of Bankruptcy Procedure and must be initiated by a separate motion and notice.</p> <p>(5) Objections to claims under § 502 of the Code may not be accomplished through a chapter 13 plan. Objections to claims are governed by Rules 3007 and 9014, or 7001, of the Federal Rules of Bankruptcy Procedure.</p> <p>(6) Discharge of debts excepted from discharge by § 1328(a) of the Code may not be accomplished through a chapter 13 plan. Dischargeability of debts is governed by Rules 4007 and 7001, Federal Rules of Bankruptcy Procedure and must be initiated by a separate adversary proceeding.</p> <p><b>(b) Payroll Deduction/Other Income</b></p> <p>(1) Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments shall be by payroll deduction.</p> <p>(2) Schedules of income and expenses, and required periodic financial reports, if any, shall clearly delineate the source and amount of gross receipts and projected expenditures. Expenses incident to the production of any non-wage income shall be accurately set forth.</p> <p><b>(c) Certification</b> The plan must be signed by the debtor and debtor's attorney, which signatures</p>	<p><b>Rule 3015-1 Chapter 13 Plans</b></p> <p><b>(a) Format.</b> Unless otherwise ordered by the court, a chapter 13 plan must conform to AK LBF 5 and include the plan and liquidation analyses attached to AK LBF 5.</p> <p><b>(b) Contents.</b></p> <p>(1) The Alaska Permanent Fund Dividend is to be included in paragraph 1(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 1(a).</p> <p>(2) Paragraph (2)(e) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1322(b)(1) of the Code.</p> <p>(3) The following matters may not be accomplished through a chapter 13 plan:</p> <p>[A] lien avoidance;</p> <p>[B] objections to claims; and</p> <p>[C] dischargeability of debts.</p> <p><b>(c) Dismissal/Conversion.</b> Any party may file a motion to convert or dismiss if the plan or an extension of time to file a plan is not filed within the fifteen (15) days required by statute.</p> <p><b>(d) Service of Plan.</b> The notice of hearing on confirmation of the Plan must be accompanied by a copy of the plan.</p> <p><b>(e) Payroll Deduction.</b> Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments will be by payroll deduction.</p> <p><b>(f) Reporting Income/Expenses.</b></p> <p>(1) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures.</p> <p>(2) Expenses incident to the production of any non-wage income must be accurately set forth.</p> <p><b>(g) Certification.</b> The plan must be signed by the debtor and debtor's attorney, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.</p>

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<p><b>Rule 4001-1 Motions for Relief From Stay</b></p> <p>(a) <b>Motion.</b> [Now Rule 4001-1(a) without substantive change.]</p> <p>(b) <b>Notice.</b> [Now Rule 4001-1(b) without substantive change.]</p> <p>(c) <b>Service.</b> [Now Rule 4001-1(c) without substantive change.]</p> <p>(d) <b>Uncontested Motion.</b> [Now Rule 4001-1(d) without substantive change.]</p> <p>(e) <b>Contested Motion.</b> [Now Rule 4001-1(e) without substantive change.]</p> <p>(f) <b>Preliminary Hearing.</b> Parties may present testimony at the preliminary hearing only on the request of a party and approval by the court</p> <p>(g) <b>Objection to Motion.</b> [Now Rule 4001-1(g) without substantive change.]</p> <p>(h) <b>Mandatory Discovery Exchange.</b> [Now Rule 4001-1(h) without substantive change.]</p>	<p><b>Rule 4001-1 Motions for Relief From Stay</b></p> <p>(a) <b>Motion.</b> [Prior Rule 4001-1(a) without substantive change.]</p> <p>(b) <b>Notice.</b> [Prior Rule 4001-1(b) without substantive change.]</p> <p>(c) <b>Service.</b> [Prior Rule 4001-1(c) without substantive change.]</p> <p>(d) <b>Uncontested Motion.</b> [Prior Rule 4001-1(d) without substantive change.]</p> <p>(e) <b>Contested Motion.</b> [Prior Rule 4001-1(e) without substantive change.]</p> <p>(f) <b>Preliminary Hearing.</b></p> <p style="padding-left: 40px;">(1) Parties may present testimony at the preliminary hearing only on the request of a party and approval by the court.</p> <p style="padding-left: 40px;">(2) A request to present testimony at the preliminary hearing must be by motion:</p> <p style="padding-left: 80px;">[A] served and filed not less than three days before the hearing; and</p> <p style="padding-left: 80px;">[B] that sets forth—</p> <p style="padding-left: 120px;">(i) the name and address of the witness;</p> <p style="padding-left: 120px;">(ii) a concise statement of the testimony to be offered; and</p> <p style="padding-left: 120px;">(iii) a concise statement of the necessity for the testimony.</p> <p>(g) <b>Objection to Motion.</b> [Prior Rule 4001-1(g) without substantive change.]</p> <p>(h) <b>Mandatory Discovery Exchange.</b> [Prior Rule 4001-1(g) without substantive change.]</p>
<p>[No Prior Rule]</p>	<p><b>Rule 6008-1 Redemption of Property in Chapter 7 Cases</b></p> <p>(a) <b>General.</b> Approval of redemption agreements under § 722 of the Code is by motion filed by the debtor and governed by Rule 9103, Federal Rules of Bankruptcy Procedure.</p> <p>(b) <b>Motion.</b> A motion for approval of a redemption agreement must contain the following:</p> <p style="padding-left: 40px;">(1) a complete description of the article to be redeemed;</p>

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	<p>(2) have attached—  [A] a copy of the security agreement, and  [B] evidence of perfection of the security interest, if perfection is required under otherwise applicable law;  (3) the redemption price;  (4) [A] fair market value of the property to be redeemed, and  [B] method by which the fair market value was determined; and  (5) if the fair market value of the property exceeds the redemption price, a certification that the excess of the fair market value over the redemption price is exempt under § 522 of the Code.</p> <p>(c) <b>Service of the Motion.</b> The motion must be:  (1) transmitted to the United States trustee; and  (2) served on—  [A] the trustee, and  [B] any creditor affected by the redemption.</p> <p>(d) <b>Objection.</b>  (1) An objection to a motion to redeem property must be served and filed not later than twenty (20) days after the motion is transmitted and served as provided in subsection (c).  (2) If an objection is filed, either party may submit a Bankruptcy Court Calendar Request form (AK LBF 7) as provided in AK LBR 9075-1(c).  (3) Except as provided in subsection (e), if no objection is served and filed within the time provided in paragraph (1), the motion will be deemed approved without further order of the court.</p> <p>(e) <b>Hearing.</b>  (1) <i>Represented Debtor.</i> Unless otherwise ordered by the court, if the debtor is represented by counsel, in the absence of an objection to the motion, no hearing on the motion is required.  (2) <i>Unrepresented Debtor.</i> In a case in which the debtor is not represented by counsel, the party filing the motion must, at the same time the motion is filed, submit a Bankruptcy Court Calendar Request form (AK LBF 7) as provided in AK LBR 9075-1(c).</p>

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[No Prior Rule]	<p><b>Rule 7005-1 Electronic Service</b></p> <p>(a) <b>Method for Signifying Consent.</b></p> <p>(1) Consent to service by electronic transmission is given by filing with the court and serving on the adverse party(ies) notice that substantially complies with the appropriate version of AK LBF 32.</p> <p>(2) The consent to service by electronic transmission should indicate:</p> <p style="padding-left: 40px;">[A] the method of electronic service acceptable;</p> <p style="padding-left: 40px;">[B] whether the party consents to service by facsimile of pleadings and documents in excess of twenty-five (25) pages;</p> <p style="padding-left: 40px;">[C] whether the party will accept service of pleadings by e-mail in a format other than Adobe Acrobat portable document format (“pdf”), and, if so, the alternative format that is acceptable;</p> <p style="padding-left: 40px;">[D] the number of the party’s facsimile machine; and</p> <p style="padding-left: 40px;">[E] the party’s e-mail address.</p> <p>(b) <b>Special Conditions.</b></p> <p>(1) Any pleading, motion, paper or other document that exceeds twenty-five (25) pages in length, including all attachments and exhibits thereto, may not be served by facsimile unless the party to be served has expressly consented to receive documents in excess of twenty-five (25) pages by facsimile.</p> <p>(2) Consent to service by e-mail constitutes consent to service of pleadings and documents in Adobe Acrobat portable document format (“pdf”).</p>

## LOCAL (CIVIL) RULES

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<p><b>LR 3.2 Venue and Place of Trial.</b></p> <p>(a) An action in which venue is proper in the United States District Court for the District of Alaska may be commenced in any of the locations specified by 28 U.S.C. 81A. The court will decide on motion or sua sponte whether the action should be transferred to another location for case management or trial.</p> <p>(b) If an action was commenced in state court and is removed to federal court, the notice of removal may be filed in any statutory location, provided the clerk shall promptly thereafter transfer the removed action to the statutory location in the same state judicial district as the state court in which it was filed. Additionally, it shall be transferred to the same city if there is a federal statutory location in the same city. The court will decide on motion or sua sponte whether the action should be transferred to another location for case management or trial</p>	<p><b>Rule 3.3 Venue and Place of Trial.</b></p> <p>(a) <b>Original Actions.</b> An action in which venue is proper in the United States District Court for the District of Alaska may be commenced in any location specified in 28 U.S.C. § 81A.</p> <p>(b) <b>Removed Actions.</b></p> <p>(1) If an action commenced in state court is removed to federal court, the notice of removal may be filed in any statutory location.</p> <p>(2) the clerk must promptly transfer the removed action to:</p> <p style="padding-left: 40px;">[A] the statutory location in the same state judicial district as the state court in which it was filed; and</p> <p style="padding-left: 40px;">[B] the same city if there is a federal statutory location in that city.</p> <p>(c) <b>Filing of Pleadings.</b></p> <p>(1) In cases where venue is proper in Anchorage, complaints and subsequent filings may only be made in Anchorage; and</p> <p>(2) in all other cases, complaints and subsequent filings may be filed in either Anchorage or the location of the court in which venue lies.</p> <p>(d) <b>Intra-district Transfers.</b> The court may decide on motion of a party or its own motion whether the action should be transferred to another location for case management or trial.</p>
[No Prior Rule]	<p><b>Rule 4.1 Summons</b></p> <p>Except for the date of issuance and signature, a summons presented to the clerk for issuance must be complete in all respects.</p>

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<p><b>LR 5.2 Filing and Proof of Service When Service is Required by Fed. R. Civ. P. 5.</b></p> <p>(a) <b>Proof of Service.</b> [Now Rule 5.1(a) without substantive change]</p> <p>(b) <b>Facsimile Filing and Service.</b> Pleadings may not be filed by facsimile transmission to the court, unless specifically authorized in advance by the court. The parties may, by written stipulation filed with the court, agree to service by fax. The stipulation may provide that service by fax alone is sufficient, or may require a follow-up hard copy. The stipulation should state which documents may be served by fax. If the parties stipulate to service by facsimile, the time periods under these rules commence with the date of the facsimile, provided that facsimile service shall not be used to extend time beyond that which would apply to service by mail. A stipulation for fax service does not require judicial approval to become effective. Service by fax is not service in the absence of such stipulation. Documents may not be filed with the court by fax unless so ordered.</p> <p>(c) <b>Inmate Filing and Service</b> [Now Rule 5.1(e) without substantive change]</p>	<p><b>Rule 5.1 Filing and Proof of Service When Service is Required by Rule 5, Federal Rules of Civil Procedure.</b></p> <p>(a) <b>Proof of Service.</b> [Prior LR 5.2(a) without substantive change]</p> <p>(b) <b>Facsimile Filing.</b> Pleadings or documents may not be filed by facsimile transmission to the court, unless specifically authorized in advance by the court.</p> <p>(c) <b>Electronic Service.</b></p> <p>(1) Written consent to service by electronic transmission must be filed with the court and served on the other party(ies) to the action.</p> <p>(2) The consent to service by electronic transmission should indicate:</p> <p>[A] the method of electronic service acceptable;</p> <p>[B] whether the party consents to service by facsimile of pleadings and documents in excess of twenty-five (25) pages;</p> <p>[C] whether the party will accept service of pleadings by e-mail in a format other than Adobe Acrobat portable document format (“pdf”), and, if so, the alternative format that is acceptable;</p> <p>[D] the number of the party’s facsimile machine; and</p> <p>[E] the party’s e-mail address.</p> <p>(d) <b>Special Conditions.</b></p> <p>(1) Any pleading, motion, paper or other document that exceeds twenty-five (25) pages in length, including all attachments and exhibits thereto, may not be served by facsimile unless the party to be served has expressly consented to receive lengthy documents by facsimile.</p> <p>(2) Consent to service by e-mail constitutes consent to service of pleadings and documents in Adobe Acrobat portable document format (“pdf”).</p> <p>(e) <b>Inmate Filing and Service.</b> [Prior LR 5.1(c) without substantive change.]</p>



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<p><b>LR 7.1 Motion Practice.</b></p> <p>(a) <b>Motion and Opposition.</b> [Now Rule 7.1(a) without substantive change]</p> <p>(b) <b>Reply.</b> [Now Rule 7.1(b) without substantive change]</p> <p>(c) <b>Citation of Unpublished Decisions; Judicial Notice.</b> Decisions not intended for publication shall not be cited in briefs or referred to in argument, except that unpublished decisions on the same issue by judges of this district, and unpublished decisions in the same or related case by another court, may be cited, provided complete copies of the decisions, or transcripts if the decisions were oral, are attached as exhibits to the relevant brief. The court may take judicial notice of the contents of case files within the District of Alaska to establish that other proceedings have taken place, that the same or similar claims have been raised and adjudicated, and other like matters. The contents of other case files may not be used to establish disputed substantive facts unless those facts are established in a previous ruling, order, or judgment that is entitled to <i>res judicata</i> or collateral estoppel effect.</p> <p>(d) <b>Failure to Support or Oppose Motions.</b> [Now Rule 7.1(d) without substantive change]</p> <p>(e) <b>Time Limits.</b> [Now Rule 7.1(e) without substantive change]</p> <p>(f) <b>Format.</b> [Now Rule 7.1(f) without substantive change]</p> <p>(g) <b>Facsimile Copies.</b> [Now Rule 7.1(g) without substantive change]</p> <p>(h) <b>Supplemental Materials.</b> [Now Rule 7.1(h) without substantive change]</p> <p>(i) <b>Oral Argument.</b> [Now Rule 7.2(a) without substantive change.]</p>	<p><b>Rule 7.1 Motion Practice.</b></p> <p>(a) <b>Motion and Opposition.</b> [Prior LR 7.1(a) without substantive change]</p> <p>(b) <b>Reply.</b> [Prior LR 7.1(b) without substantive change]</p> <p>(c) <b>Citation of Unpublished Decisions; Judicial Notice.</b></p> <p>(1) [A] Except to support a claim of <i>res judicata</i>, collateral estoppel, or law of the case, no decision, opinion, or order of any court may be cited in this court if citation is prohibited in the rendering court; and</p> <p>[B] unless the decision is published in the National Reporter System or a National Loose-Leaf Reporter, a copy of a decision cited must be attached to the brief.</p> <p>(2) The court may take judicial notice of the contents of case files within the District of Alaska to establish that:</p> <p>[A] other proceedings have taken place;</p> <p>[B] the same or similar claims have been raised and adjudicated; and</p> <p>[C] like or similar matters.</p> <p>(3) The contents of other case files may not be used to establish disputed substantive facts unless those facts are established in a previous ruling, order, or judgment entitled to <i>res judicata</i> or collateral estoppel effect..</p> <p>(d) <b>Failure to Support or Oppose Motions.</b> [Prior LR 7.1(d) without substantive change]</p> <p>(e) <b>Time Limits.</b> [Prior LR 7.1(e) without substantive change]</p> <p>(f) <b>Format.</b> [Prior LR 7.1(f) without substantive change]</p> <p>(g) <b>Facsimile Copies.</b> [Prior LR 7.1(g) without substantive change]</p> <p>(h) <b>Supplemental Materials.</b>[Prior LR 7.1(h) without substantive change]</p>

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<p>(j) <b>Motion Submitted.</b> A motion will be treated as submitted and ripe for decision after oral argument or after all briefs permitted by rule have been filed, or the times for such filing have elapsed, and no request for oral argument has been made within the time allowed.</p> <p>(k) <b>Shortened Time</b> [ Now Rule 72.2(c) without substantive change.]</p> <p>(l) <b>Motions for Reconsideration.</b> [Now Rule 59.1 with substantive changes.]</p> <p>(m) <b>Motions Requiring Evidentiary Hearing.</b> [Now Rule 7.2(b) with minor changes]</p> <p>(n) <b>Postponement of Submission.</b> [Now Rule 7.1(j) without substantive change.]</p>	<p>(i) <b>Motion Submitted.</b> A motion will be treated as submitted and ripe for decision after:</p> <p>(1) the time for filing opposition has elapsed and no opposition has been filed;</p> <p>(2) opposition has been filed, the reply filed or the time for filing a reply has elapsed, and no request for oral argument or evidentiary hearing has been made within the time allowed;</p> <p>(3) opposition has been filed, the reply filed or the time for filing a reply has elapsed, and request for oral argument or evidentiary hearing has been made and denied; or</p> <p>(4) at the conclusion of oral argument or a hearing if one has been granted.</p>
<p><b>LR 9.1 Social Security Number in Social Security Cases.</b></p> <p>Any person seeking judicial review of a decision of the Secretary of Health and Human Services under Section 205(g) of the Social Security Act (42 U.S.C. § 405(g)) shall provide, on a separate paper attached to the complaint served on the Secretary of Health and Human Services, the social security number of the worker on whose wage record the application for benefits was filed. The person shall also state, in the complaint, that the social security number has been attached to the copy of the complaint served on the Secretary of Health and Human Services. Failure to provide a social security number to the Secretary of Health and Human Services will not be grounds for dismissal of the complaint.</p>	<p><b>Rule 9.1 Social Security Cases.</b></p> <p>(a) <b>Social Security Number and Decision.</b> Any person seeking judicial review of a decision of the Commissioner of Social Security under Section 205(g) of the Social Security Act [42 U.S.C. § 405(g)] must:</p> <p>(1) provide, the social security number of the wage earner on whose wage record the application for benefits was filed; and</p> <p>(2) attach to the complaint a copy of the final decision of the Commissioner.</p> <p>(b) <b>Failure to Provide.</b> Failure to provide a social security number or to attach a copy of the decision of the Commissioner of Social Security will not be grounds for dismissal of the complaint.</p>

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<p><b>LR 5.1 Form of Pleadings and Other Papers - Filing.</b></p> <p>(a) <b>Form in General.</b> [Now Rule 10.1(a) without substantive change.]</p> <p>(b) <b>Chamber Copies.</b> [Now Rule 10.1(b) without substantive change.].</p> <p>(c) <b>Exhibits.</b> All exhibits to pleadings shall be numbered progressively according to the number of the page of the exhibit, followed by the number or identification of the exhibit, e.g., "Ex. A, p. 1." All exhibits shall be permanently attached to the pleadings to which they belong so as to be easily accessible and readable without detaching them from the principal document. Exceptions to progressive numbering of exhibits may be permitted by the court where acceptable copies of original documents make it impractical to comply with the requirement.</p> <p>(d) <b>Interlineation - One Side of Paper to Be Used.</b> [Now Rule 10.1(d) without substantive change.]</p> <p>(e) <b>Information to Be Placed on First Page.</b> [Now Rule 10.1(e) without substantive change.]</p> <p>(f) <b>Information to be Placed on Signature Page.</b> [Now Rule 10.1(f) without substantive change.]</p> <p>(g) <b>Citation of Statute.</b> [Now Rule 10.1(g) without substantive change.]</p> <p>(h) <b>Reference to Other Parts of Pleading.</b> [Now Rule 10.1(h) without substantive change.]</p> <p>(i) <b>Replacing Papers Lost or Withheld.</b> [Now Rule 10.1(i) without substantive change.]</p> <p>(j) <b>Judge's Name Typed on Orders..</b> [Now Rule 10.1(j) without substantive change.]</p> <p>(k) <b>Jurisdictional Statement..</b> [Now Rule 10.1(k) without substantive change.]</p> <p>(l) <b>Length..</b> [Now Rule 10.1(l) without substantive change.]</p>	<p><b>Rule 10.1 Form of Pleadings and Other Papers.</b></p> <p>(a) <b>Form in General.</b> [Prior LR 5.1(a) without substantive change.]</p> <p>(b) <b>Chambers Copies.</b> [Prior LR 5.1(b) without substantive change]</p> <p>(c) <b>Exhibits.</b></p> <p>(1) All exhibits to pleadings must be:</p> <p>[A] identified by attached tabs in a manner that the tab identifying the exhibit is readily visible;</p> <p>[B] numbered progressively according to the number of the page of the exhibit, preceded by the number or identification of the exhibit, <i>e.g.</i>, "Ex. A, p. 1"; provided that</p> <p>[C] exceptions to progressive numbering of exhibits may be permitted by the court where acceptable copies of original documents make it impractical to comply with that requirement.</p> <p>(2) If more than five (5) exhibits are attached, the exhibits must be preceded by a table of contents identifying each exhibit by number and description.</p> <p>(3) All exhibits should be permanently attached to the pleadings to which they apply in a manner to be easily accessible and readable without detaching from the principal document.</p> <p>(d) <b>Interlineation - One Side of Paper to Be Used.</b> [Prior LR 5.1(d) without substantive change.]</p> <p>(e) <b>Information to Be Placed on First Page.</b> [Prior LR 5.1(e) without substantive change.]</p> <p>(f) <b>Information to be Placed on Signature Page.</b> [Prior LR 5.1(f) without substantive change.]</p> <p>(g) <b>Citation of Statute.</b> [Prior LR 5.1(g) without substantive change.]</p> <p>(h) <b>Reference to Other Parts of Pleading.</b> [Prior LR 5.1(h) without substantive change.]</p> <p>(i) <b>Replacing Papers Lost or Withheld.</b> [Prior LR 5.1(i) without substantive change.]</p> <p>(j) <b>Judge's Name Typed on Orders.</b> [Prior LR 5.1(j) without substantive change.]</p> <p>(k) <b>Jurisdictional Statement.</b> [Prior LR 5.1(k) without substantive change.]</p> <p>(l) <b>Length.</b> [Prior LR 5.1(l) without substantive change.]</p>

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[No Prior Rule]	<p><b>Rule 11.1 Appearance by Attorney.</b></p> <p>(a) <b>Entry of Appearance.</b> Unless the context clearly indicates otherwise, the filing of a pleading, paper, or document by an attorney for or on behalf of a party constitutes an entry of appearance on behalf of the party by the attorney signing the pleading, document, or paper, and no separate entry of appearance need be filed.</p> <p>(b) <b>Notification of Change of Address.</b> Not more than five (5) days after a change of address or telephone or facsimile number, an attorney who has entered an appearance in a matter must file and serve on all parties to the proceeding a notice of change of address and/or telephone and facsimile number.</p>
<p><b>LR 16.1 Pre-Trial Procedures.</b></p> <p>[Now Rule 16.1(a) without substantive change]</p> <p>[No Prior Counterpart for (b)]</p>	<p><b>Rule 16.1 Pre-Trial Procedures.</b></p> <p>(a) <b>Exempted Proceedings.</b> [Prior LR 16.1 without substantive change.]</p> <p>(b) <b>Pre-Trial Scheduling and Planning Conference.</b></p> <p>(1) Unless otherwise ordered by the court, not later than sixty (60) days after the last named defendant has appeared in the action, counsel for the plaintiff must file the report required by Rule 26(f), Federal Rules of Civil Procedure, which report must:</p> <p>[A] be in form substantially similar to AK LCF 26(f), Scheduling and Planning Conference Report;</p> <p>[B] be signed by counsel for the parties;</p> <p>[C] clearly specify—</p> <p>(i) those matters, if any, on which the parties were unable to reach agreement, and</p> <p>(ii) the respective positions of each party on each matter on which agreement could not be reached; and</p> <p>[D] be served on each of the other parties.</p> <p>(2) The court may enter a scheduling and pretrial order without a hearing or set a pre-trial conference</p>

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[No Prior Counterpart for (c)]	<p>(c) <b>Standard Pretrial Procedures and Times.</b> Unless otherwise ordered by the court, the procedures and times set forth in this subsection apply to all pretrial matters.</p> <p>(1) Preliminary disclosure of potential witnesses (a preliminary witness list) will be made contemporaneously with the disclosures required by Rule 26(a)(1), Federal Rules of Civil Procedure.</p> <p>(2) Counsel for each party must contemporaneously prepare and maintain a written record of all disclosures and supplementation of disclosures or responses made to requests for discovery under Rule 26(a) and (e), Federal Rules of Civil Procedure.</p> <p>(3) If discovery is not completed by the date specified in the Pretrial Scheduling and Planning Order:</p> <p style="padding-left: 40px;">[A] the parties may stipulate to a continuance of not more than two (2) months for the completion of discovery, which stipulation does not require court approval, provided that the stipulation states with particularity—</p> <p style="padding-left: 80px;">(i) the discovery that remains to be accomplished, and</p> <p style="padding-left: 80px;">(ii) when discovery will be accomplished; or</p> <p style="padding-left: 40px;">[B] if more than two months is required to complete discovery, the parties must request a discovery conference with the court.</p> <p>(4) The deadline for completion of discovery set in the Scheduling and Planning Order is applicable to all depositions, including depositions referred to as “perpetuation” depositions.</p> <p>(5) [A] Motions addressing matters specified in Rule 12(b), Federal Rules of Civil Procedure, must be filed not later than forty-five (45) days after the date the Scheduling and Planning Order is entered.</p> <p style="padding-left: 40px;">[B] Other preliminary motions, especially those raising legal issues that have the potential for reducing necessary discovery, should be served and filed at the earliest time possible commensurate with the development of discovery, if any, necessary to support the motion.</p>

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<p>[No Prior Counterpart for (d)]</p> <p>[No Prior Counterpart for (e)]</p>	<p>(6) Motions to amend pleadings or add parties must be filed not later than sixty (60) days after the date the Scheduling and Planning Order is entered.</p> <p>(7) Motions under the discovery rules must be filed not later than thirty (30) days after the date set in the Scheduling and Planning Order for the close of discovery.</p> <p>(8) Motions in limine and dispositive motions must be filed not later than thirty (30) days after the date set in the Scheduling and Planning Order for the close of discovery.</p> <p>(9) Subject to the provisions of paragraph (c)(3), the parties may, by agreement, extend the time for a party to respond to any discovery request propounded by any other party.</p> <p>(d) <b>Pre-Trial Conferences.</b> Status, discovery, settlement, or other pre-trial conferences may be scheduled upon motion of a party or on the court's own motion.</p> <p>(e) <b>Certification of Readiness for Trial.</b> In the event that all discovery is completed more than forty-five (45) days before the discovery close date set in the Pre-Trial Scheduling Order and no dispositive motions are to be made by any party, counsel for plaintiff should file a certification that the matter is ready for trial as provided in D.Ak. LCR 40-3(b).</p>

PRIOR RULE	OCTOBER 1, 2002 REVISION
<p><b>LR 39.3 Exhibits.</b></p> <p>[Prior LR 39.3 now Rule 39.3(a) and (d) without substantive change. No prior counterpart to 39.3(b) and (c).]</p>	<p><b>Rule 39.3 Exhibits</b></p> <p>[Subsections (a) and (c) are current LR 39.3 with stylistic changes only]</p> <p><b>(b) Custody of Drugs, Cash, Firearms and Other Sensitive Exhibits</b></p> <p>(1) Any cash, drugs, handguns, <i>etc.</i>, presented to the Court for admittance as evidence must be presented in a sealed bag identifying the exhibit and marked not to be opened except under order of the court.</p> <p>(2) The attorney for the party offering the exhibit will retain custody of the exhibit and is responsible for the exhibit during trial including recesses.</p> <p>(3) [A] Sensitive items admitted into evidence and submitted to the jury for deliberation become the responsibility of the jury bailiff during deliberations.</p> <p>[B] Upon the return of a verdict or discharge of the jury, the attorney for the party offering the exhibits must immediately take custody of the item.</p> <p><b>(c) Digital Evidence Presentation System.</b> To utilize the Digital Evidence Presentation System (“DEPS”), a party must:</p> <p>(1) contact the court Automation Specialist (907-677-6112) not less than two (2) weeks in advance of the hearing or trial to arrange for necessary training and familiarization; and</p> <p>(2) file a notice of intent to use DEPS not less than three (3) business days before the hearing or trial including in the notice—</p> <p>[A] the date, and</p> <p>[B] division in which the hearing or trial is to be held.</p>

PRIOR RULE	OCTOBER 1, 2002 REVISION
[No Prior Rule]	<p><b>Rule 45.1 Subpoenas in Non-District Cases</b></p> <p>(a) <b>Motion to Quash or Enforce.</b></p> <p>(1) Except as otherwise specifically provided in these rules, a motion to quash or enforce a subpoena issued in this district for a case pending in another district will be determined in accordance with the rules and controlling authority of the district in which the action is pending.</p> <p>(2) [A] It is the responsibility of the party seeking application of the rules and controlling authority of the district in which the action is pending to provide the necessary information to the court of the rules and controlling authority of the district in which the action is pending; and</p> <p>[B] in the absence of evidence of the rules and controlling authority of the district in which the action is pending, the court will apply the rules and controlling law of this district.</p> <p>(b) <b>Appearance by Issuing Attorney.</b> D.Ak .LCR 83.1 notwithstanding, unless otherwise ordered by the court, the attorney who issued a subpoena in a case pending in another district or who represented the party who requested issuance of the subpoena, may appear in any proceeding to enforce or quash the subpoena brought in this district.</p>



PRIOR RULE	OCTOBER 1, 2002 REVISION
<p><b>LR 7.1 Motion Practice</b></p> <p>(l) <b>Motions for Reconsideration.</b> Within 5 days of the notice of the ruling, a party may seek reconsideration of the ruling by filing a motion, limited to 5 pages, and, where appropriate, affidavits, deposition excerpts, or other factual materials. The date for notice of an oral ruling is the date the ruling is announced from the bench, or for parties not represented or present when the ruling is announced from the bench, 5 days from service by the clerk of the minutes of the proceeding, unless the judge then announces his intention to prepare a written ruling. The date for notice of a written ruling is the date the clerk serves such written ruling. An opposition to a motion for reconsideration may not be filed unless requested by the court, but the court will not grant reconsideration without first requesting an opposition. Any opposition is also limited to 5 pages. There shall be no reply unless requested by the court.</p>	<p><b>Rule 59.1 Motions for Reconsideration of Non-Appealable Orders.</b></p> <p>(a) <b>Applicability.</b> This rule applies to all orders other than orders governed by Rule 59, Federal Rules of Civil Procedure.</p> <p>(b) <b>Time for Filing.</b></p> <p>(1) Except as provided in paragraph (b)(2), a motion for reconsideration of an order must be filed not later than five (5) days after entry of the order.</p> <p>(2) A motion for reconsideration of an order based on an intervening change of controlling law may be filed at any time.</p> <p>(3) For the purposes of this subsection, an order is deemed entered:</p> <p>[A] upon service by the clerk of the minutes of the proceeding, unless the court then announces an intention to prepare a written ruling; or</p> <p>[B] upon service by the clerk of a written ruling.</p> <p>(c) <b>Motion.</b> A motion for reconsideration is limited to five (5) pages, and, where appropriate, affidavits, deposition excerpts, or other factual materials.</p> <p>(d) <b>Opposition and Replies.</b></p> <p>(1) No opposition to a motion for reconsideration may be filed unless requested by the court.</p> <p>[A] Generally, the court will not grant reconsideration without first requesting an opposition.</p> <p>[B] Any opposition is limited to five (5) pages.</p> <p>(2) No reply may be filed unless requested by the court.</p>
<p>[No Prior Rule]</p>	<p><b>Rule 84.1 Forms.</b></p> <p>The forms contained in the Federal Rules of Civil Procedure, Appendix of Forms, should be used with appropriate or necessary modifications wherever applicable.</p>

PRIOR RULE	OCTOBER 1, 2002 REVISION
[No Prior Rule]	<p><b>Rule 86.1. Effective Date of Amendments.</b></p> <p>(a) <b>Effective Date of Amendments.</b> Amendments to these rules become effective on the date specified in the general order adopting the amendments.</p> <p>(b) <b>Applicability of Amendments.</b> Amendments to these rules, including new rules, govern all proceedings commenced on or after the effective of the amendment and to all existing, open proceedings from and after the effective date to the extent that the new or amended rule does not unreasonably prejudice the rights of any party.</p>

## Form 26(f)

Attorney for Plaintiff

## Plaintiff(s),

V.

Defendant(s).

Case No.

## SCHEDULING AND PLANNING CONFERENCE REPORT

- The parties recommend the following:

- ### Preliminary witness lists

- ☐ have been exchanged by the parties
- ☐ will be exchanged by the parties by (date)

3. **Contested Issues of Fact and Law.** Preliminarily, the parties expect the following issues of fact and/or law to be presented to the court at trial in this matter:

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4. **Discovery Plan.** The parties jointly propose to the court the following discovery plan.

A. Discovery will be needed on the following issues:

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B. All discovery commenced in time to be completed by (date)("discovery close date").

C. Interrogatories.

☐ No change from F.R.Civ.P. 33(a)

☐ Maximum of (number) Interrogatories by each party to any other party. Responses due in (number) days.

D. Requests for Admissions.

☐ No change from F.R.Civ.P. 36(a).

☐ Maximum of (number) requests. Responses due in (number) days.

E. Depositions.

☐ No change from F.R.Civ.P. 30(a), (d).

☐ Maximum of (number) depositions by each party.

☐ Depositions not to exceed (number) hours unless extended by agreement of all parties.

F. Reports from retained experts.

☐ Not later than 90 days before the close of discovery subject to F.R.Civ.P 26(a)(2)[C].

☐ Reports due:

From plaintiff (date)

From defendant (date)

G. Supplementation under F.R.Civ.P. 26(e) due at (number)-day intervals.

5. **Pretrial Motions.**

☐ No change from D.Ak. LR 16.1(c).

The following changes to D.Ak. LR 16.1(c). [Check and complete all that apply]

☐ Motions addressing matters specified in F.R.Civ.P 12(b) to be filed not later than (date).

☐ Motions to amend pleadings or add parties to be filed not later than (date).

☐ Motions under the discovery rules must be filed not later than (date).

☐ Motions in limine and dispositive motions must be filed not later than (date).

**6. Other Provisions:**

A. ☐ The parties do not request a conference with the court before entry of the scheduling order.

☐ The parties request a scheduling conference with the court on the following issue(s):

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B. The parties request a pretrial conference in (date).

C. Settlement:

☐ Likely

☐ Unlikely

☐ Can not be evaluated at this time.

D. Alternative Dispute Resolution.

☐ This matter is not considered a candidate for court-annexed alternative dispute resolution.

☐ The parties will file a request for court-annexed alternative dispute resolution not later than (date).

E. The parties ☐ do ☐ do not consent to trial before a magistrate judge.

**7. Trial.**

A. The matter will be ready for trial:

☐ 45 days after the discovery close date.

☐ not later than (date).

B. The matter is expected to take (number) days to try.

C. Jury Demanded: ☐ Yes ☐ No

[Dated and signed by counsel for all parties and parties appearing *pro se*.

## CRIMINAL RULES

PRIOR RULE	OCTOBER 1, 2002 REVISION
[No Prior Rule]	<p><b>Rule 1.1 Scope</b></p> <p>(a) <b>Scope.</b></p> <p>(1) These rules:</p> <p style="padding-left: 40px;">[A] apply to all criminal actions and proceedings before this court; and</p> <p style="padding-left: 40px;">[B] supplement the Federal Rules of Criminal Procedure and federal statutory law.</p> <p>(2) The court, on its own motion or the motion of any party, for cause and in the interests of justice, may modify or dispense with any of these rules in a particular case.</p> <p>(b) <b>District of Alaska Local Rules Applicable.</b> The District of Alaska Local Rules and District of Alaska Local Magistrate Judge Rules apply to criminal proceedings where appropriate.</p>
[No Prior Rule]	<p><b>Rule 2.1 Purpose and Construction</b></p> <p>(1) These rules will be administered and construed to secure the just, speedy, and inexpensive determination of every criminal action or proceeding; and</p> <p>(2) in any matter not covered by these rules, the court may regulate its practice in any manner not inconsistent with the Federal Rules of Criminal Procedure, the District of Alaska Local Rules and these rules.</p>
[No Prior Rule.]	<p><b>Rule 10.1 Arraignments</b></p> <p>(a) <b>Before Magistrate Judge.</b> At all arraignment proceedings held before a magistrate judge:</p> <p style="padding-left: 40px;">(1) prior to the arraignment, the district judge, or designee, will provide a trial date consistent with the Speedy Trial Act; or</p> <p style="padding-left: 40px;">(2) if no trial date is provided by the district judge, the parties will advise the magistrate judge of any date or dates on which the party will be unavailable for trial within the Speedy Trial time.</p> <p>(b) <b>Continuance to Obtain Counsel.</b> The court will grant a reasonable continuance for arraignment when a defendant appears without counsel in a criminal proceeding and desires to retain counsel.</p>

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<p><b>RULE 3.2 CHANGE OF PLEA</b></p> <p>(A) Counsel for a defendant who wishes to enter a change of plea from not guilty to guilty shall arrange for the change of plea to be taken by the court no later than the morning of the last court day before the date set for trial.</p> <p>(B) In a criminal case to which the Federal Sentencing Commission Guidelines Manual applies, defense counsel shall review all applicable sentencing guidelines with the defendant prior to any appearance in court for the purpose of entry of a plea of guilty.</p>	<p><b>Rule 11.1 Change of Plea</b></p> <p>(a) <b>Scheduling.</b> Unless otherwise ordered by the court, counsel for a defendant who enters a change of plea from not guilty to guilty must file a Notice of Change of Plea not less than three (3) days before the date set for trial.</p> <p>(b) <b>Duties of Defense Counsel.</b> Defense counsel must:</p> <p>(1) discuss all applicable Sentencing Guidelines with the defendant prior to a change of plea hearing; and</p> <p>(2) prior to the entry of the change of plea, contact the U.S. Probation Office and arrange for a pre-sentence report interview, which should be held no later than three (3) business days following the entry of the change of plea.</p>
<p><b>RULE 3.3 PLEA AGREEMENTS</b></p> <p>(A) Plea agreements shall be reduced to a writing approved by the United States Attorney or his designee, counsel for the defendant, and the defendant. The written plea agreement shall be filed with the court by noon of the court day preceding the change of plea hearing.</p> <p>(B) Any superseding charging documents associated with a change of plea shall be lodged with the court by noon of the court day preceding the change of plea hearing.</p>	<p><b>Rule 11.2 Plea Agreements</b></p> <p>(a) <b>Felony and Class A Misdemeanor Pleas.</b> Plea agreements in felony and Class A misdemeanor cases must be:</p> <p>(1) reduced to a writing approved by—</p> <p>[A] the United States Attorney or his designee,</p> <p>[B] counsel for the defendant, and</p> <p>[C] the defendant; and</p> <p>(2) filed with the court by noon of the court day preceding the change of plea hearing.</p> <p>(b) <b>Misdemeanor Pleas.</b> The court may require a plea agreement in a Class B or Class C misdemeanor case to conform to this rule.</p> <p>(c) <b>Superseding Charging Documents.</b> Any superseding charging documents associated with a change of plea must be lodged with the court by noon of the court day preceding the change of plea hearing.</p>

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<p>(C) The plea agreement shall be set forth:</p> <p>(1) The charge or charges to which a plea of guilty will be entered and the disposition to be made of other charges.</p> <p>(2) The subsection of Rule 11(e)(1), Federal Rules of Criminal Procedure, pursuant to which the agreement has been entered.</p> <p>(3) All maximum and mandatory minimum statutory penalties applicable to a court of conviction.</p> <p>(4) Agreements of the parties as to disposition of the counts of conviction, including specific references to United States Sentencing Commission guidelines.</p> <p>(5) The elements of each count of conviction.</p> <p>(6) The facts which demonstrate, independently of the indictment or information, the existence of a factual basis for each count of conviction. The agreed facts shall fairly demonstrate the defendant's total offense conduct. This stipulation of facts shall also address those factors which affect the computation of a guideline sentence, e.g., specific offense characteristics, adjustments, and criminal history. Where the parties are unable to agree on facts which will affect the computation of the defendant's total offense level or criminal history category, the plea agreement shall set forth the factor or factors as to which there is no agreement.</p> <p>(7) With respect to a plea agreement which contemplates the dismissal of charges pursuant to Rule 11(e)(1)(A), a statement demonstrating how the remaining charges adequately reflect the seriousness of the actual offense behavior and why acceptance of the agreement will not undermine the statutory purposes of sentencing.</p> <p>(8) With respect to a plea agreement which includes a nonbinding sentencing recommendation pursuant to Rule 11(e)(1)(B), a statement demonstrating that the recommended sentence is within the applicable guideline range, or set forth facts and authorities consistent with 18 U.S.C. 3553(b), as amended, justifying departure from the applicable guideline range.</p>	<p>(d) <b>Contents.</b> The plea agreement must contain the following:</p> <p>(1) the charge or charges to which a plea of guilty will be entered and the disposition to be made of other charges;</p> <p>(2) the subparagraph of Rule 11(e)(1), Federal Rules of Criminal Procedure, under which the agreement has been entered;</p> <p>(3) all maximum and mandatory minimum statutory penalties applicable to a count of conviction;</p> <p>(4) agreements of the parties as to disposition of the counts of conviction, including specific references to United States Sentencing Guidelines;</p> <p>(5) the elements of each count of conviction;</p> <p>(6) facts that demonstrate, independent of the indictment or information, the factual basis for each count to which a plea of guilty is entered;</p> <p>(7) if dismissal of counts under Rule 11(e)(1)(A), Federal Rules of Criminal Procedure, is proposed, contain a statement demonstrating—</p> <p style="padding-left: 40px;">[A] the remaining charges adequately reflect the seriousness of the actual offense behavior, and</p> <p style="padding-left: 40px;">[B] that acceptance of the agreement will not undermine the statutory purposes of sentencing;</p> <p>(8) if a non-binding sentencing recommendation under Rule 11(e)(1)(B), Federal Rules of Criminal Procedure, is proposed, contain a statement demonstrating—</p> <p style="padding-left: 40px;">[A] that the recommended sentence is within the applicable guideline range, or</p> <p style="padding-left: 40px;">[B] set forth facts and authorities consistent with 18 U.S.C. § 3553(b), as amended, justifying departure from the applicable guideline range;</p>



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<p>(9) With respect to a plea agreement which includes a specific sentence pursuant to Rule 11(e)(1)(C), which is proposed to be binding upon the court, a statement demonstrating that the agreed sentence is within the applicable guideline range, or set forth facts and authorities consistent with 18 U.S.C. § 3553(b), as amended, justifying departure from the applicable guideline range.</p> <p>(10) With respect to a plea agreement which does not require restitution where there is an identifiable loss and victim, a statement of facts demonstrating that restitution is not warranted.</p> <p>(11) With respect to a plea agreement which does not impose a fine within the applicable guideline range, a statement justifying a lesser fine or waiver of fine and demonstrating that the sentence proposed is punitive.</p> <p>(12) Any provision for forfeiture of assets.</p> <p>(13) An acknowledgement of defendant's waiver of rights with respect to trial.</p>	<p>(9) if a specific sentence under Rule 11(e)(1)(C), Federal Rules of Criminal Procedure is proposed to be binding upon the court, contain a statement demonstrating that—</p> <p>[A] the agreed sentence is within the applicable guideline range, or</p> <p>[B] set forth facts and authorities consistent with 18 U.S.C. § 3553(b), as amended, justifying departure from the applicable guideline range;</p> <p>(10) if restitution is not proposed where there is an identifiable loss and victim, contain a statement of facts demonstrating that restitution is not warranted;</p> <p>(11) if a fine within the applicable guideline range is not proposed, contain a statement—</p> <p>[A] justifying a lesser fine or waiver of fine, and</p> <p>[B] demonstrating that the sentence proposed is punitive;</p> <p>(12) any provision for forfeiture of assets; and</p> <p>(13) an acknowledgment of defendant's waiver of rights with respect to trial.</p>
<p>[No Prior Rule]</p>	<p><b>Rule 16.1 Omnibus Discovery in Criminal Cases</b></p> <p>(a) <b>Pretrial Discovery Conference.</b> In every criminal case in which the defendant is represented by counsel and enters a plea of not guilty — other than a misdemeanor or petty offense for which no sentence of imprisonment will be imposed — the prosecutor and counsel for the defendant must confer regarding pretrial discovery.</p> <p>(b) <b>Stipulation.</b> The parties may execute standing form USDC-48, Stipulation Pursuant to Discovery Conference then in use in this district.</p> <p>(1) The executed stipulation is in lieu of motion practice as to matters addressed therein; and</p> <p>(2) unless the court orders otherwise, the government must file the stipulation no later than ten (10) days after execution by the parties.</p> <p>(c) <b>Enforcement.</b> Parties may seek enforcement of the stipulation by filing a motion to compel.</p>
	<p>(d) <b>Discovery Motions.</b> Any motion for discovery must contain a certification that the parties have met and conferred and that the issues set out for decision in the motion are genuinely in dispute between the parties.</p>

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<p><b>RULE 3.4 PROCEDURE FOR GUIDELINE SENTENCING</b></p> <p>(A) Except in unusual circumstances, imposition of sentence shall be scheduled no earlier than seventy-two (72) days subsequent to conviction. The times set forth in this rule may be modified by the court for good cause shown, except that the final presentence report must be disclosed to counsel no less than ten (10) days prior to sentencing unless the minimum period is waived by the defendant.</p> <p>A presentence report shall be presumed to have been disclosed:</p> <ol style="list-style-type: none"> <li>(1) When a copy of the report is physically delivered; or</li> <li>(2) When a facsimile of the report is transmitted to counsel's office; or</li> <li>(3) One day after the report's availability for inspection is orally communicated; or</li> <li>(4) Three days after a copy of the report or notice of its availability is mailed.</li> </ol> <p>(B) A probation officer shall conduct a presentence investigation and report to the court before the imposition of sentence in all criminal cases except for Class B and Class C misdemeanors or infractions, unless the court finds that there is information in the record sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553, in which event a finding to this effect shall be incorporated with other findings for which provision is hereinafter made. The parties may not waive preparation of a required presentence report.</p> <p>(C) No less than thirty-five (35) days prior to the sentencing date, the probation officer shall disclose a draft presentence report to all counsel. Defendant and counsel for the defense shall promptly review the draft report.</p>	<p><b>Rule 32.1 Procedure for Guideline Sentencing</b></p> <p>(a) <b>Scheduling.</b> Unless otherwise ordered by the court, imposition of sentence will be scheduled no earlier than seventy-two (72) days after conviction.</p> <p>(b) <b>Confidential Recommendation.</b> Unless otherwise ordered by the court, the confidential sentencing recommendation accompanying the presentence report is not to be provided or made available to counsel.</p> <p>(c) <b>Final Presentence Report.</b> Not less than fifteen (15) days prior to the sentencing date, the final presentence report will be disclosed to counsel.</p> <p>(d) <b>Sentencing Memoranda.</b></p> <ol style="list-style-type: none"> <li>(1) Not less than seven (7) days before the sentencing hearing, all counsel in the case must file with the court and serve on opposing counsel and the probation officer a sentencing memorandum.</li> <li>(2) The sentencing memorandum must: <ol style="list-style-type: none"> <li>[A] indicate if there is no disagreement with the presentence report;</li> <li>[B] cite all controlling authority relevant to disputed guideline issues; and</li> <li>[C] may be supported by affidavits, statements, and records as appropriate.</li> </ol> </li> </ol> <p>(e) <b>Departure from Guidelines.</b></p> <ol style="list-style-type: none"> <li>(1) If counsel intends to argue that the court depart from the sentencing guidelines, the sentencing memorandum must: <ol style="list-style-type: none"> <li>[A] identify the grounds for departure;</li> <li>[B] cite the statute and guideline permitting the departure; and</li> <li>[C] justify the recommended departure.</li> </ol> </li> </ol>

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<p>(D) Within fourteen (14) days after disclosure of the draft report, counsel shall communicate to the probation officer all objections concerning material information, guideline application, or sentencing options contained in or omitted from the presentence report. The objections must demonstrate how the issue to be resolved is material to a sentencing guideline or other legal issue in the case, and describe the impact of the desired remedy on the guideline sentencing range and/or sentencing options. Such objections may be made either orally or in writing at the discretion of the probation officer. Counsel for the parties shall be available to the probation officer to discuss objections. The probation officer shall conduct such further investigations as the probation officer may deem necessary to resolve issues materially affecting sentencing, and shall make any revision(s) to the draft presentence report which the probation officer deems necessary.</p> <p>(E) No less than fifteen (15) days prior to the sentencing date, the final presentence report shall be disclosed to all counsel. The probation officer shall attach to the final presentence report an addendum setting forth a synopsis of the unresolved objections submitted by counsel, and the probation officer's position regarding each objection. Defendant and defense counsel shall promptly review the final presentence report and addendum. After receipt of the final presentence report, counsel are expected to make a good faith effort to resolve any remaining objection(s) with opposing counsel.</p> <p>(F) No less than seven (7) days prior to the sentencing date, counsel for the Government and for the defense shall each serve opposing counsel and the probation officer and shall file with the court a written memorandum of the sentencing factors (herein "sentencing memorandum") to be relied upon at sentencing.</p>	<p>(2) If the Government moves to depart on the basis that the defendant has provided substantial assistance to the Government in an investigation or prosecution, the government's motion:</p> <p>[A] is to be filed separately, and under seal if appropriate; and</p> <p>[B] the government must make a specific recommendation of the extent to which departure should be made and the reasons that justify the departure.</p> <p>(f) <b>Evidentiary Hearing.</b> If a party deems an evidentiary hearing to be necessary, not later than concurrently with the filing of the Sentencing Memorandum under subsection (d), but as a separate pleading:</p> <p>(1) a motion for an evidentiary hearing is to be served and filed on shortened time; and</p> <p>(2) the court advised of—</p> <p>[A] the nature and extent of the evidence, and</p> <p>[B] an estimate of time necessary for the hearing.</p> <p>(g) <b>Duties of Counsel.</b> Defense counsel must review both the draft presentence report and the final presentence report with the defendant(s).</p>

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<p>The sentencing memorandum shall cite all United States Sentencing Commission Guidelines and any applicable guideline case law which are relevant to disputed guideline issues. The sentencing memorandum may be supported by affidavits, statements, records, and argument as appropriate.</p> <p>(G) If counsel deems an evidentiary hearing to be necessary, the sentencing memorandum shall so state, and the court shall be advised of the nature and extent of the evidence which counsel would offer.</p>	
<p>[No Prior Rule]</p>	<p><b>Rule 32.1.1 Revocation of Probation or Supervised Release</b></p> <p><b>(a) Initial Appearance.</b></p> <p>(1) Upon the filing of a petition alleging a violation of the conditions of probation or supervised release supervision, an initial appearance will be held before a magistrate judge.</p> <p>(2) If the person is in custody:</p> <p style="padding-left: 40px;">[A] the initial appearance will be scheduled within ten (10) days after the petition is filed; and</p> <p style="padding-left: 40px;">[B] the hearing on a motion for release pending the revocation hearing may be combined with the initial appearance.</p> <p><b>(b) Agreed Modification.</b></p> <p>(1) If the parties agree upon a modification of the condition(s) or term of probation or supervision in lieu of revocation, the probation officer will prepare a Petition to Modify the Conditions of Supervision and a Waiver of Hearing and Consent to Modify for the parties approval.</p> <p>(2) The petition and waiver will be forwarded to the appropriate judicial officer for approval or rejection.</p> <p>(3) If modification is approved by the court, unless further action by the court is required, the government must move the court to dismiss the petition with or without prejudice.</p>

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	<p>(c) <b>Evidentiary Hearings.</b> If the defendant denies the allegations of violation(s) of the conditions of probation or supervised release, an evidentiary hearing on the merits of the petition will be scheduled without undue delay.</p> <p>(1) Evidentiary hearings will be heard by a magistrate judge if:</p> <p>[A] sentence was imposed by a magistrate judge; or</p> <p>[B] unless otherwise ordered by a district judge, violation of a condition of supervised release imposed by a district judge is alleged.</p> <p>(2) Upon conclusion of an evidentiary hearing referred to a magistrate judge under paragraph (c)(1)[B], a report and recommendation(s) regarding the violation(s) will be filed and distributed to the government, defense counsel or defendant if not represented by counsel, and the probation officer.</p> <p>[A] Any objection to the report and recommendation(s) must be:</p> <p>(i) filed within ten (10) days of the date distributed; and</p> <p>(ii) is governed by D.Ak.LMR 6.</p> <p>[B] If no objection is timely filed, the court may adopt the report and recommendations(s) without further hearing or notice to the parties.</p> <p>(d) <b>Disposition Hearing.</b> Upon the entry of an order finding a violation, unless the court finds that there is sufficient information in the record to enable the meaningful exercise of sentencing authority under 18 U.S.C. §§ 3553, 3565, or 3583, the court will set the matter of a disposition hearing.</p> <p>(e) <b>Disposition Reports.</b></p> <p>(1) Except in unusual cases, if the court orders a disposition report to be prepared by the probation office, the disposition hearing will be scheduled no earlier than forty (40) calendar days after the order of violation is issued.</p>

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	<p>(2) A probation officer will conduct a disposition investigation and prepare a disposition report for the Court prior to the disposition hearing.</p> <p>[A] Not less than twenty-five (25) calendar days prior to the disposition hearing date the probation officer must disclose a draft disposition report to counsel. A disposition report is presumed to have been disclosed:</p> <ul style="list-style-type: none"> <li>(i) when a copy of the report is physically delivered; or</li> <li>(ii) three (3) days after a copy of the report is sent by facsimile or mailed to counsel of record.</li> </ul> <p>[B] Within seven (7) days after the draft disposition report is disclosed, counsel will communicate in writing to the probation officer and to opposing counsel objections, if any, to:</p> <ul style="list-style-type: none"> <li>(i) any material information;</li> <li>(ii) sentencing classifications; or</li> <li>(iii) guideline or sentencing options contained in or omitted from the disposition report.</li> </ul> <p>[C] Counsel for the parties must be available to the probation officer to discuss objections.</p> <p>[B] Within seven days after the draft disposition report is disclosed, counsel will communicate in writing to the probation officer and to opposing counsel objections, if any, to:</p> <ul style="list-style-type: none"> <li>(i) any material information;</li> <li>(ii) sentencing classifications; or</li> <li>(iii) guideline or sentencing options contained in or omitted from the disposition report.</li> </ul> <p>[C] Counsel for the parties must be available to the probation officer to discuss objections.</p> <p>[D] The probation officer may conduct such further investigation as the probation officer deems necessary to resolve issues materially affecting disposition, and make any revisions to the draft disposition report the probation officer deems necessary.</p>

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	<p>[E] Not less than ten (10) days prior to the disposition hearing the final disposition report must be disclosed to counsel.</p> <p>[F] Not less than five (5) days prior to the disposition hearing:</p> <ul style="list-style-type: none"> <li>(i) any objections to the final disposition report must be filed with the court and served on opposing counsel and the probation officer; and</li> <li>(ii) the probation officer must furnish the court with a copy of the final disposition report, addendum, and a confidential sentencing recommendation, which is not available to counsel</li> </ul> <p>[G] The probation officer must attach to the final disposition report an addendum setting forth:</p> <ul style="list-style-type: none"> <li>(i) a synopsis of the unresolved objections submitted by counsel; and</li> <li>(ii) the probation officer's position regarding each objection.</li> </ul> <p>(3) Defense counsel must review both the draft disposition report and the final disposition report with the defendant.</p> <p><b>(f) Hearing on Disposition Report.</b> If either party deems an evidentiary hearing on the disposition report is necessary, a Motion for an Evidentiary Hearing may be filed on shortened time.</p> <ul style="list-style-type: none"> <li>(1) The motion must advise the court of: <ul style="list-style-type: none"> <li>[A] the nature and extent of the evidence; and</li> <li>[B] counsel's estimate of time necessary to offer the evidence.</li> </ul> </li> <li>(2) At the hearing the court may: <ul style="list-style-type: none"> <li>[A] consider material submitted by the parties without regard to admissibility at trial, provided that the material submitted is deemed credible by the court; and</li> <li>[B] in appropriate cases, consider testimony.</li> </ul> </li> </ul>
	<p><b>(g) Disposition Agreements.</b> Any revocation disposition agreement must be either:</p> <ul style="list-style-type: none"> <li>(1) placed on the record in open court; or</li> <li>(2) reduced to writing and contain written approval by the United States Attorney or designee, counsel for the defendant, and the defendant.</li> </ul>

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<p><b>RULE 1 APPEARANCE BY COUNSEL; SUBSTITUTION AND WITHDRAWAL</b></p> <p>(A) In all criminal actions, counsel retained to represent the accused shall, immediately after being retained as such, file with the Clerk a formal written appearance.</p> <p>(B) Rule 3(E) of the General Rules of this Court relating to the withdrawal or substitution of an attorney for a party in a civil action shall apply with equal force and effect with respect to any attorney retained to represent the accused in criminal actions.</p>	<p><b>Rule 44.1 Appearances and Withdrawal of Retained Counsel.</b></p> <p>(a) <b>Appearances.</b> In all criminal actions, counsel retained to represent the accused and appearing in a criminal case must promptly file with the clerk a formal written appearance.</p> <p>(b) <b>Substitution or Withdrawal.</b></p> <p>(1) D.Ak.LR 83.1 relating to the withdrawal or substitution of an attorney for a party in a civil action applies to any attorney in a criminal action.</p> <p>(2) An attorney who has appeared in the matter may withdraw only upon:</p> <p style="padding-left: 40px;">[A] notice to the defendant and all parties; and</p> <p style="padding-left: 40px;">[B] upon an order of court finding that good cause exists and granting leave to withdraw.</p> <p>(c) <b>Continued Representation Pending Court Approval of Withdrawal.</b> Until leave to withdraw is granted, the retained attorney must continue to represent the defendant until:</p> <p style="padding-left: 40px;">(1) the case is dismissed;</p> <p style="padding-left: 40px;">(2) the defendant is acquitted; or</p> <p style="padding-left: 40px;">(3) if convicted, the time for making post-trial motions and for filing notice of appeal, as specified in Rule 4(b) of the Federal Rules of Appellate procedure, has expired and until counsel has satisfied the requirements of § 3(d) of the Federal Rules of Appellate Procedure, Appendix.</p>



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[No Prior Rule]	<p><b>Rule 44.2 Appointed Counsel</b></p> <p>(a) <b>Right to and Appointment of Counsel.</b></p> <p>(1) If the defendant requests appointment of counsel by the court, or retained counsel has not entered an appearance within ten (10) days of arraignment, the court will, when the defendant is eligible under the Criminal Justice Act, appoint counsel, unless the defendant:</p> <p style="padding-left: 40px;">[A] elects to proceed without counsel; and</p> <p style="padding-left: 40px;">[B] signs and files the court-approved form of waiver of right to counsel.</p> <p>(2) In an appropriate case, the court may designate counsel to advise and assist a defendant who elects to proceed without counsel to the extent the defendant might thereafter desire.</p> <p>(b) <b>Application of Other Rules.</b> Appointment of counsel will be made in accordance with the plan of this court adopted pursuant to the Criminal Justice Act of 1964 on file with the clerk</p>
<p><b>RULE 3 BAIL HEARINGS</b></p> <p>(A) All hearings to fix bail including bail review hearings after indictment (in accordance with the provisions of 18 U.S.C. 3146 and in accordance with practices of this Court), shall be set before a United States Magistrate. Bail review hearings shall not be set before the United States District Court until there has been an initial bail hearing and a review of that hearing before the United States Magistrate-unless the magistrate is unavailable.</p> <p>(B) Federal defendants can appear before a magistrate of the Alaska Court System on holidays or after normal working hours when a judge or magistrate of this Court is unavailable.</p>	<p><b>Rule 46.1 Bail Hearings, Pretrial Release</b></p> <p>(a) <b>Hearings.</b> Bail review hearings will not be set before a District Judge until there has been an initial bail hearing before a Magistrate Judge, unless a Magistrate Judge is unavailable.</p>

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<p><b>RULE 3.1 PRETRIAL SERVICES</b></p> <p>(A) Pursuant to the Pretrial Services Act of 1982 (18 U.S.C. 3152-3155), the Court authorizes the United States Probation Office for the District of Alaska to establish all pretrial services as provided by said Act.</p> <p>(B) Personnel within the Probation Office in the performance of their duties, pursuant to this Act, shall be designated as pretrial service officers.</p>	<p>(b) <b>Pretrial Services.</b> The United States Probation Office for the District of Alaska is authorized to conduct all pretrial services provided for in 18 U.S.C. §§ 3151-3156.</p> <p>(c) <b>Pretrial Services Interview.</b></p> <p>(1) Upon notification that a defendant has been arrested or summoned, the pretrial service officer must:</p> <p style="padding-left: 40px;">[A] conduct an interview; and</p> <p style="padding-left: 40px;">[B] prepare a written report addressing the statutory factors governing release and detention</p> <p>(2) The judicial officer setting or reviewing bail must consider all applicable reports submitted by pretrial service officers.</p> <p>(d) <b>Pretrial Services Reports.</b> 18 U.S.C. § 3153-(c)(1) governs the availability of the pre-trial services report to counsel for the accused and for the government prior to any bail hearing.</p> <p>(1) Pretrial services will allow counsel for any party to retain copies of pretrial services reports provided counsel first signs a written acknowledgment stating familiarity with the confidentiality requirements set forth in 18 U.S.C. § 3153(c)(1).</p> <p>(2) [A] Counsel must not disclose the pretrial services report to any other party; and</p> <p style="padding-left: 40px;">[B] pretrial services reports may be used solely for bail determination purposes.</p> <p>(3) This rule does not authorize counsel to photocopy or otherwise reproduce or duplicate the pretrial services report and photocopying, reproduction, or duplication of the pretrial report is expressly forbidden.</p> <p>(e) <b>Special Release Services.</b> In addition to the usual pretrial services furnished under 18 U.S.C. § 3152, <i>et seq.</i>, counsel for a defendant may request special release services from the court's pretrial services office.</p>

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	<p>(1) If a request for special release services is made, counsel must provide pretrial services and opposing counsel, with a written request no less than sixteen (16) working hours prior to any court hearing at which the results of that service are to be considered. Examples of special services that require this notice include—</p> <ul style="list-style-type: none"> <li>▶ request for third-party investigations;</li> <li>▶ home confinement and electronic investigations;</li> <li>▶ residential treatment program investigations;</li> <li>▶ halfway house placement investigations; and</li> <li>▶ any other non-routine investigations deemed necessary by the court.</li> </ul> <p>(2) Counsel requesting special release pretrial service is also responsible for requesting that any bail review hearing on the service be set on the court's calendar.</p> <p>(f) <b>Third Party Request.</b> No person will be considered for approval as a third-party custodian unless:</p> <p>(1) proposing counsel certifies that the proposed custodian has been interviewed by Pretrial Services;</p> <p>(2) the proposed third-party custodian has completed a third-party application form and questionnaire as provided by the Pretrial Services Office; and</p> <p>(3) the completed application and questionnaire forms have been served on Pretrial Services and opposing counsel not less than sixteen (16) working hours prior to the hearing at which the matter is addressed.</p> <p>(g) <b>Supervision.</b> Pretrial service officers will supervise persons released on bail at the discretion of the judicial officer granting the release or modification of the release.</p>
[No Prior Rule]	<p><b>Rule 46.2 Non-custodial Transportation of Defendant(s) and Witnesses</b></p> <p>Any request for non-custodial travel of a federal defendant or a defense witness must be filed with the clerk at least five (5) working days in advance of the intended travel except upon showing of good cause justifying shorter notice.</p>

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[No Prior Rule]	<p><b>Rule 47.1 Criminal Motion Practice</b></p> <p><b>(a) General.</b> Except as otherwise ordered by the court or as specified in these rules, written motions in criminal proceedings are governed by D.Ak. LR 7.1</p> <p><b>(b) Opposition to Motion and Reply Briefs.</b> Unless otherwise ordered by the court, D.Ak. LR 7.1(b) and (c) notwithstanding, oppositions to criminal motions are due within seven (7) days of service of the motion and replies within three (3) days of service of the opposition.</p> <p><b>(c) Submission Without Reply.</b> The court may order that a motion be submitted without a reply.</p>
<p><b>RULE 6 ASSIGNMENT AND HEARING OF CRIMINAL CASES, CALENDARS</b></p> <p>(A) Assignment. All criminal cases when filed shall be numbered consecutively by the Clerk and immediately assigned as follows:</p> <p>(1) Felony Cases. Upon the return of an indictment or the filing of an information, all felony cases shall be assigned by the Clerk to a judge in a manner that distributes a substantially equal number of cases to each judge. Thereafter such cases shall be referred to a magistrate for conducting an arraignment and such pretrial conferences as are necessary and for the hearing and administration of all pretrial, procedural and discovery motions.</p>	<p><b>Rule 50.1 Assignment of Cases; Calendar</b></p> <p><b>(a) Assignment of Cases.</b> Upon the return of an indictment or the filing of an information, all criminal cases when filed will be numbered consecutively by the Clerk and immediately assigned as follows:</p> <p>(1) <i>Felony and Class A Misdemeanor Cases.</i></p> <p>[A] Felony and Class A misdemeanor cases will be assigned by the clerk to a district judge in a manner that distributes a substantially equal number of cases to each district judge; and</p> <p>[B] unless otherwise ordered by a district judge, referred to a magistrate judge in a manner that distributes a substantially equal number of cases to each magistrate judge for conducting—</p> <p>(i) an arraignment,</p> <p>(ii) such pretrial conferences as are necessary, and</p> <p>(iii) hearing and administration of all pretrial, procedural, and discovery motions.</p>

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<p>(2) Misdemeanor Cases. Upon the return of an indictment or the filing of an information, all misdemeanor cases shall be assigned to a magistrate who shall proceed in accordance with the provisions of 18 U.S.C. 3401 and 3402, the Rules of Procedure for the Trial of Misdemeanor before United States Magistrates and of any other rules promulgated by the Supreme Court pursuant to 18 U.S.C 3402.</p> <p>(3) Misdemeanor Appeal. The appeal of a misdemeanor case shall be assigned by the Clerk to a judge in the same manner as felony cases are assigned under (1) preceding. The scope of the appeal shall be the same as an appeal from a judgment of the District Court to the Court of Appeals. (4) General. Nothing in these rules shall preclude the District Judge from retaining any criminal matter or motion for disposition rather than referring a matter or motion to a magistrate. The Court may modify the method of assigning proceedings to the magistrate as changing conditions may warrant.</p> <p>(B) Calendars. In accordance with the Speedy Trial Act and the Speedy Trial Plan for this district, priority shall be given to the calendaring of criminal matters for hearing or trial.</p>	<p>(2) <i>Misdemeanor Cases</i>. Class B and Class C misdemeanor cases will be assigned to a magistrate judge in a manner that distributes a substantially equal number of cases to each magistrate judge.</p> <p>(3) <i>Misdemeanor Appeal</i>. The appeal of a misdemeanor case will be assigned by the clerk to a district judge in the same manner as felony cases are assigned under paragraph (a) (1)</p> <p>(4) <i>Retention by District Judge</i>.</p> <p>[A] Nothing in these rules precludes the district judge from retaining any criminal matter or motion for disposition.</p> <p>[B] The Court may modify the method of assigning proceedings to magistrate judges as changing conditions may warrant.</p> <p>(b) <b>Calendars</b>. In accordance with the Speedy Trial Act and the Speedy Trial Plan for this district, priority will be given to the calendaring of criminal matters for hearing or trial.</p>
<p><b>RULE 5 SPEEDY TRIAL; EXCLUDABLE TIME</b></p> <p>1. No motion in a criminal case will be accepted for filing by the Clerk unless it contains a statement directed to the determination of excludable time pursuant to the Speedy Trial Act and the Speedy Trial Plan for this District including a statement of the basis for computing such exclusion under 18 U.S.C. 3161, for example:</p>	<p><b>Rule 50.2 Continuances; Excludable Time</b></p> <p><b>(a) Continuances.</b></p> <p>(1) A motion for continuance of trial in a criminal case must:</p> <p>[A] address the application of the Speedy Trial Act, 18 U.S.C. § 3161 <i>et seq.</i>, and the Speedy Trial Plan for this District; and</p> <p>[B] contain a statement of the basis for computing excludable delay under the pertinent provisions of 18 U.S.C. § 3161(h) that may occur as a result of granting or denying the motion.</p>

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<p>"A period of excludable delay under 18 U.S.C. 3161(h) may occur as a result of the filing/granting/denying of this motion." (In the blank space provided, insert the specific subparagraph involved; e.g., (1)(A), Competency examination of defendant; (3)(A), absence or unavailability of defendant or essential witness.)</p> <p style="text-align: center;">OR</p> <p>"Excludable delay under 18 U.S.C. 3161(h) will not occur as a result of this motion."</p> <p>2. The statement required by paragraph 1 of this Order shall be contained in the first paragraph of any motion presented to the Clerk or on a separate sheet attached as the last page of the motion and entitled "Excludable Delay Statement."</p> <p>3. Motions presented for filing by pro per defendants will be received by the Clerk and referred to a judge or magistrate for a determination of whether the provisions of the Order should be waived (and the motion filed) as provided below.</p> <p>4. In any case or in the case of a defendant proceeding pro per, the Court may, in the interests of justice, waive the necessity of a statement of excludable time required by paragraph 1 above.</p> <p>5. Any order prepared for a signature by a judicial officer must contain a statement determining excludable delay similar to one of the following:          "Excludable delay under 18 U.S.C. 3161(h) is found to commence on _____ and end on _____, for a total of _____ days."</p> <p style="text-align: center;">OR</p> <p>"No excludable delay has occurred in connection with this motion (matter)."</p> <p>6. All minute orders are to contain a legend comparable to one or the other set forth in paragraph 6.</p>	<p>(2) Motions for trial continuance presented for filing by defendants appearing without counsel must be referred by the Clerk to a judicial officer for a determination whether the provision of this rule should be waived and the motion filed.</p> <p><b>(b) Records of Excludable Time.</b></p> <p>(1) The Clerk of Court will enter on the docket, in the form prescribed by the Administrative Office of the United States Courts, information with respect to excludable periods of time for each criminal defendant.</p> <p>(2) With respect to proceedings prior to the filing of an indictment or information, excludable time must be reported to the clerk by the United States Attorney.</p> <p><b>(c) Stipulations as to Time.</b> Counsel may at any time enter into stipulation with respect to the accuracy of the docket entries recording excludable time to the extent that the amount of time stipulated by the parties does not exceed the amount recorded on the docket for the particular case.</p>

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<p><b>RULE 4 RELEASE OF INFORMATION BY ATTORNEYS IN CRIMINAL CASES</b></p> <p>(A) It is the duty of the lawyer or law firm not to release or authorize the release of any information or opinion which a reasonable person would expect to be disseminated by any means of public communication, in connection with pending or imminent criminal litigation with which a lawyer or law firm is associated if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.</p> <p>(B) With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in or associated with the investigation, shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated, by any means of public communication that goes beyond the public record or that is not necessary to inform the public that the investigation is underway; to describe the general scope of the investigation; to obtain assistance in the apprehension of a suspect; to warn the public of any dangers, or otherwise to aid in the investigation.</p> <p>(C) From the time of arrest, issuance of an arrest warrant or the filing of a complaint, information or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer or law firm associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement which a reasonable person would expect to be disseminated by any means of public communication relating to that matter and concerning:</p>	<p><b>Rule 56.1 Release of Information in Criminal Cases</b></p> <p>(a) <b>Court Support Personnel.</b> All Court-supporting personnel, including but not limited to, marshals, deputy marshals, court clerks, court reporters, and employees or subcontractors retained by the Clerk are prohibited, from disclosing to any person, without authorization by the Court:</p> <p style="padding-left: 40px;">(1) any information relating to pending grand jury proceedings or a criminal case that is not part of the public records of the Court and that may be prejudicial to the right of the prosecution or the defense to a fair trial; or</p> <p style="padding-left: 40px;">(2) any information concerning grand jury proceedings or in camera arguments and hearings held in chambers or otherwise outside the presence of the public.</p> <p>(b) <b>Parties and Witnesses.</b> In any criminal proceeding the Court, on motion of either party or on its own motion, may issue a special order governing:</p> <p style="padding-left: 40px;">(1) extrajudicial statements by parties and witnesses substantially likely to interfere with the fairness of the trial;</p> <p style="padding-left: 40px;">(2) the seating and conduct in the courtroom of spectators and news media representatives;</p> <p style="padding-left: 40px;">(3) the management and sequestering of jurors and witnesses; and</p> <p style="padding-left: 40px;">(4) any other matters that the Court may deem appropriate for inclusion in the order.</p> <p>(c) <b>Special Orders to Ensure Fair Trial.</b> The Court on motion of either party or its own motion, may enter special orders relating to any matter that the court deems necessary to insure a fair trial by an impartial jury.</p> <p>(d) <b>Public Records.</b> Unless otherwise provided by law, all criminal proceedings, including related documents and exhibits, and any record made thereof, not otherwise required to remain confidential, are accessible to the public.</p>

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<p>(1) The prior criminal record (including arrests, indictments or other charges of crime) or the character or reputation of the accused except that the lawyer or law firm may make a factual statement of the accused's name, age, residence, occupation and family status, and if the accused has not been apprehended, a lawyer associated with the prosecution may release such information necessary to aid in his apprehension of the defendant or to warn the public of any dangers he may present;</p> <p>(2) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;</p> <p>(3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;</p> <p>(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law;</p> <p>(5) The possibility of a plea of guilty to the offense charged of a lesser offense;</p> <p>(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.</p>	



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<p>The foregoing shall not be construed to preclude the lawyer or law firm during this period, in the proper discharge of his or its official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or test of the charge, including a brief description of the offense charged: from quoting or referring without comment to public records of the Court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him.</p> <p>(D) During a jury trial of any criminal matter, including the period of selection of the jury, no lawyer or law firm associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview relating to the trial or the parties or issues in the trial which a reasonable likelihood that such dissemination will interfere with a fair trial, except that the lawyer or law firm may quote from or refer without comment to public records of the Court in the case.</p> <p>(E) Nothing in this rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings in the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him.</p> <p>information concerning grand jury proceedings, in camera arguments and hearings held in chambers or otherwise outside the presence of the public.</p>	

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<p>(F) Release of Information by Other Persons. All Court-supporting personnel, including among other, marshals, deputy marshals, court clerks, bailiffs, court reporters, and employees or subcontractors retained by the Court-appointed official reporters, from disclosing to any person, without authorization by the Court, information relating to a pending grand jury proceeding or criminal case that is not part of the public records of the Court. All such personnel shall not divulge any information concerning grand jury proceedings, in camera arguments and hearings held in chambers or otherwise outside the presence of the public.</p> <p>(G) The Court on motion of either party or on its own motion, in a widely publicized or sensational criminal case, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestering of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.</p> <p>(H) The Court on motion of either party or on its own motion, may enter special orders relating to a continuance, change of venue, sequestering of jurors and witnesses, voir dire examination, cautionary instructions to jurors, or to any other matter which the court deems necessary to insure a fair trial by an impartial jury.</p> <p>(I) Unless otherwise provided by law, all preliminary criminal proceedings, including preliminary examination and hearings or pre-trial motions, shall be held in open court and shall be available for attendance and observation by the public; provided that, upon motion made or agreed to by the defense, the Court, in the exercise of discretion, may order a pre-trial proceeding be closed to the public in whole or in part, on the ground:</p>	

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<p>(1) That there is a reasonable likelihood that the dissemination of information disclosed at such proceeding would impair the defendant's right to a fair trial; and</p> <p>(2) That reasonable alternatives to closure will not adequately protect defendant's right to a fair trial. If the Court so orders, it shall state for the record, its specific findings concerning the need for closure.</p>	
<p><b>RULE 7 APPEALS</b></p> <p>(A) Misdemeanor Offenses. In an appeal from a judgment of a U.S. Magistrate certified to the Court in conformity with Rule 7 of the Rules of Procedure for the Trial of Misdemeanor Offenses before the U.S. Magistrates, the appellant, within fifteen (15) days from the certification of the record, shall serve and file a brief. The United States Attorney shall serve and file a brief within fifteen (15) days after receipt of a copy of appellant's brief. The appellant may serve and file a reply brief within five (5) days after receipt of a copy of appellee's brief. Unless otherwise ordered, forty (40) days after the filing of the Magistrate's certificate, the appeal shall be set by the Court if a hearing is deemed required. (Amended, eff. 7-31-85)</p> <p>(B) Magistrate's Decision. In an appeal from a magistrate's decision or order determining a non-dispositive motion or matter, the District Court will endeavor to make the appeal expeditious and inexpensive in the following manner:</p> <p>(1) Briefs. The appellant, within fifteen (15) days of the filing of the Notice of Appeal, shall serve and file a brief.</p> <p>The United States Attorney shall serve and file a brief within fifteen (15) days after receipt of a copy of appellant's brief.</p> <p>The appellant may serve and file a reply brief within five (5) days after receipt of a copy of appellee's brief. Briefs filed to be in accordance with General Rule 6(K). (Amended, eff. 2-4-85)</p>	<p><b>Rule 58.1 Appeals from Magistrate Judge</b></p> <p>In an appeal from a judgment of a magistrate judge under Rule 58, Federal Rules of Criminal Procedure.</p> <p>(1) [A] Appellant's opening brief must be served and filed within thirty (30) days after the date the certificate of the record is filed;.</p> <p>[B] appellee must serve and file a brief within thirty (30) days after service of a copy of appellant's brief, and</p> <p>[C] appellant may serve and file a reply brief within ten (10) days after service of a copy of appellee's brief.</p> <p>(2) Unless otherwise ordered by the court, seventy (70) days after the certificate of record is filed, the appeal will be set for hearing by the court, if a hearing is deemed required.</p>
<p>(2) Hearing. Unless otherwise ordered, forty (40) days after the filing of the Notice of Appeal, the appeal shall be set for the Court if a hearing is deemed required.</p>	

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<p><b>RULE 8 PAYMENT FIXED SUM IN LIEU OF APPEARANCE</b></p> <p>(A) A person who is charged with a petty offense as defined in 18 U.S.C. 1(3) or with a certain specified misdemeanor of the malum prohibitum variety may, in lieu of appearance pay to the United States the amount indicated for the offense, thereby waiving appearance. The payment of said amount shall be tantamount to a finding of guilt.</p> <p>NOTE: A list of offenses and amounts indicated for the offenses may be obtained from the Clerk's Office upon request.</p> <p>(B) If a person charged with an offense listed for which a fixed amount may be paid fails to pay the amount, or otherwise appear, any punishment, including fine, imprisonment or probation may be imposed within the limits established by law upon conviction by plea or after trial.</p> <p>(C) The record of any conviction of a traffic violation as may be required by state statute shall be certified by the Clerk of Court to the proper state authority.</p> <p>(D) Nothing contained in this rule shall prohibit a law enforcement officer from requiring a person charged with the commission of any petty offense to appear before a United States Magistrate or from arresting a person for the commission of any petty offense and taking him immediately before a United States Magistrate or judicial officer.</p> <p>(Amended, eff. 8-31-83)</p>	<p><b>Rule 58.2 Payment of Fixed Sum in Lieu of Appearance</b></p> <p>(a) <b>Bail Forfeiture.</b></p> <p>(1) A person who is charged with a petty offense as defined in 18 U.S.C. § 3559(a)(6)–(9), may, in lieu of appearance, pay to the United States the amount indicated for the offense, thereby waiving appearance and forfeiting the amount so paid.</p> <p>(2) Forfeiture of the specified amount constitutes an admission of guilt.</p> <p>(3) The Clerk of Court will maintain available for the public a copy of the bail forfeiture schedule.</p> <p>(b) <b>Failure to Pay or Appear.</b> If a person charged with an offense listed for which a fixed amount may be paid fails to pay the amount or otherwise appear, any punishment including fine, imprisonment or probation, may be imposed within the limits established by law upon conviction by plea or after trial.</p> <p>(c) <b>Traffic Violations.</b> The record of any conviction of a traffic violation as may be required by state statute will be certified by the Clerk of Court to the proper state authority.</p> <p>(d) <b>Exception.</b> Nothing contained in this rule prohibits a law enforcement officer from:</p> <p>(1) requiring a person charged with the commission of any offense described in subsection (a) to appear before a magistrate judge; or</p> <p>(2) arresting a person for commission of the offense and taking the person immediately before a magistrate judge or other judicial officer.</p>

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[No Prior rule covers the subject matter of this rule]	<p><b>Rule 59.1 Effective Date</b></p> <p><b>(a) Initial Effective Date.</b></p> <p>(1) These Rules become effective October 1, 2002, and supersede the former Local Criminal Rules of this court.</p> <p>(2) These Rules apply to all actions and proceedings brought in this district on or after their effective date and, except to the extent that the rights of any party are prejudiced, to all proceedings pending in this court on the effective date.</p> <p><b>(b) Effective Date of Amendments.</b> All amendments or additions to these rules will apply to:</p> <p>(1) all proceedings brought in this district on or after the effective date of the amendments; and</p> <p>(2) except to the extent that the rights of any party are prejudiced, to all proceedings pending in this court on the effective date.</p>
[No Prior Rule]	<p><b>Rule 60.1 Title and Citation</b></p> <p>These rules constitute the Local Criminal Rules of Practice for the United States District Court for the District of Alaska. They may be cited as "D.Ak. LCrR ____."</p>